

REMARKS:

This amendment is for the purpose of amending the Specification in the original application to remove informalities, canceling claims 9, 11 - 13 and providing traverse of the rejections advanced by the Examiner so that claims 1 - 8, 10 and 14 - 20 remain in this application.

Applicant is greatly appreciative of the Examiner's careful consideration of the response to the first office action and the withdrawal of the rejections of claims 1 - 20 in view of new grounds for rejection.

In the instant Office Action, the disclosure is objected to because of the informality of listing website citations on pages 3, 14 and 19. Applicant has amended the specification by deleting the website citations and, where applicable, inserting in the place thereof the addresses of the named concerns. Specifically, Applicant has deleted the website citations www.sportdepot.com, www.paceband.com, www.grizzlyfitness.com, www.fit-senior.com and www.brianmac.demon.co.uk/, from the prior art statement and inserted addresses of the Sports Depot and Darris Blackford. Addresses for Grizzly Fitness and Fit Senior were not searched as these were examples of sites providing the product mentioned and hence the sites were eliminated from the specification. A specific address for Brian Mackenzie is not available.

The Official Action rejects claims 1 - 3, 5, 7 - 20 under 35 U.S.C. 103(a) as being unpatentable over Smythe, U. S. Patent 1,539,781 in view of Wrist Coach as disclosed by Applicant in the prior art statement on page 3. Applicant provides traverse of the rejections advanced by the Examiner as follows. The Examiner does not show a viable connection between the teachings of Smythe and Wrist Coach absent a reading of Applicant's disclosure. For instance, the Examiner maintains that Smythe discloses a wrist band and a timepiece in Fig. 1 and that Wrist Coach discloses exercise routine cards. With regard to all the rejected claims and specifically to claim 1, a careful study of Fig. 1 of Smythe shows no wrist band, only a "bail" on the frame-like member 9 to which the end of a strap (not shown) is attached. Thus, the wrist band is not shown and even if it were shown and fully described, the wrist band would not be continuous, would not carry the wrist watch on the exterior surface thereof nor would the wrist band have a means for carrying cards. (Emphasis has been added for the following discussion) The wrist band noted in Smythe cannot be continuous as it is attached to the separate and separated "bails" of the wrist watch 5 at number 6 and the frame-like member 9 at number 13. The frame-like member cannot be attached to the exterior surface of a wrist band as the frame-like member is attached to the wrist band by bail 13 on

one end and to the wrist watch 5 between the projecting ears 7 with a rivet, rod or the like 8 at the other end. Additionally, the wrist band (not shown in Smythe) does not have a means for carrying the cards but rather the frame-like member 9 carries the cards as it comprises an inwardly disposed flange 11 with an open side 10 for receiving "memorandum cards."

Turning now to the Wrist Coach, Applicant discloses in the prior art statement that it is worn on the forearm with coded information for specific sequences of plays or defense/offense schemes for use during a game. Therefore, complete descriptions are not recorded on the Wrist Coach as in Applicant's exercise cards because the coded information on the Wrist Coach requires the wearer to perform the action known from repeated practice of a specific play recorded in a separate playbook and therefore exercise cards are not disclosed by Wrist Coach as asserted by the Examiner. Applicant, on the other hand, has a complete description of exercise routines recorded on the exercise cards where no reference to another work is required. Furthermore, the wrist watch of Smythe, cannot be connected to the Wrist Coach as no end is associated with the Wrist Coach as it is a continuous band, but must be attached to the Wrist Coach by "...U-shaped clips 65 that extend through two pairs of holes 63 manufactured in the main band 21 . . ." as recited in Jacks, U. S. 5,341,972 in column 5, lines 67 & 68, this reference rendered moot by the Examiner in withdrawal of the rejections advanced in the first office action. Therefore, since no wrist watch is associated with, nor are exercise cards described in the "Wrist Coach" and no means for carrying exercise cards on the exterior surface of a wrist band is described in Smythe, Applicant believes that the rejection of claims 1 - 3, 5, 7 - 20 based on 35 U.S.C. 103(a) has been overcome and that these claims are fully patentable over this combination of references and specifically over Smythe in view of Wrist Coach. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1 - 3, 5, 7 - 20, however, if the Examiner persists in the rejection of these claims based on the combination of references cited in the instant office action, Applicant also respectfully requests the Examiner's assistance in making the claims allowable.

Claim 2 is a restriction of the scope of claim 1 as permitted by the statutes in 35 U.S.C. 112, fourth paragraph and as claim 1 is believed to be allowable over Smythe in view of Wrist Coach, Applicant believes that claim 2 is also allowable. Though Wrist Coach does, in fact, disclose an elastic sleeve adapted to be telescopically received over the hand and disposed about the wrist, Wrist Coach does not disclose or even contemplate a timepiece or a means for attaching to the exterior surface of the Wrist Coach. As recited above, no wrist watch is associated with, nor are

exercise cards described in the "Wrist Coach" and no wrist band carrying exercise cards on the exterior surface thereof is described in Smythe. Applicant believes that the further restriction of claim 1 in claim 2 is fully patentable over the cited references. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 2, however Applicant respectfully requests the Examiner's assistance in making claim 2 allowable over the cited art in the event that the Examiner persists with the rejection thereof.

In a similar manner, claim 3 restricts the scope of claim 1 by reciting that the means for carrying is a pocket affixed to the exterior surface of the wrist band. As fully set forth above even though Smythe has a means for carrying memorandum cards, Smythe does not have a pocket **affixed to the exterior surface of a wrist band as asserted by the Examiner**. To wit, the frame-like member 9 of Smythe is affixed to the end of a wrist band (not shown) and thus cannot be affixed to the exterior surface thereof. Accordingly, Applicant believes that claim 3 is fully patentable over Smythe, even in view of Wrist Coach, and respectfully requests reconsideration and allowance thereof but Applicant also respectfully requests the Examiner's assistance in overcoming the reference to make claim 3 fully allowable.

Likewise, claim 5 further restricts claim 3 and claim 1 by placing the means for carrying the timepiece radially opposite the pocket of the means for carrying another feature not shown, described or claimed in any of the above references. In fact, Smythe teaches that the frame-like member is attached to the ears 7 at the end of the wrist watch 5 by a rivet, rod or the like 8. The Examiner's attention is again drawn to the first column of Smythe at lines 46 - 49. Because the frame-like member is affixed to the end of the wrist watch, Smythe teaches that the timepiece is disposed on the same surface of the wrist as the frame-like member and therefore cannot be disposed opposite thereof as asserted by the Examiner. Now, since Smythe teaches that the frame-like member for carrying the memorandum cards is attached to and thus is adjacent the wrist watch, Smythe cannot also teach that the timepiece is disposed substantially opposite the frame-like member (pocket) wherein the means for carrying the card is displayed toward an user thereof when the user's wrist is in a palm up orientation and the time piece displayed toward the user when the user's wrist is oriented palm down as claimed in Applicant's claim 5. Applicant respectfully requests reconsideration and allowance of claim 5 in view of the traverse presented yet also respectfully requests the Examiner's assistance in restructuring the claim to overcome the cited references in the event that the Examiner persists in applying Smythe in view of Wrist Coach.

With regard to claim 7, Smythe does show an opening in one marginal edge of the frame-like member but since Smythe does not teach that the pocket is disposed on the exterior surface of the wrist band as fully described above, Applicant believes that this further restriction of claims 3 and 1 is fully within the statutes. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 7. If, however, the Examiner persists in the rejection of claim 7 citing Smythe in view of Wrist Coach, Applicant respectfully requests the Examiner's assistance with making the language thereof allowable over the cited references.

Claim 8 restricts the entire chain of claims 1, 3, 7 to a pocket having a transparent covering thereover for viewing the exercise card therethrough. Restriction of a chain of claims is permitted in the statutes and therefore this claim is limiting those above it. Transparent coverings are known and, in fact, Wrist Coach has a transparent covering, however, Wrist Coach does not teach a timepiece associated with the wrist band and, as set forth above, Smythe does not teach a wrist band having the pocket disposed on the exterior surface of the wrist band as recited in claim 3 of this chain. Therefore, Smythe in view of Wrist Coach does not teach a means for displaying comprising a pocket with a transparent covering on the exposed face thereof having an opening in at least one marginal edge for telescopically receiving exercise cards therein in a means for carrying an exercise card disposed on a wrist band along with a means for carrying a timepiece. Thus, Applicant respectfully requests reconsideration and allowance of claim 1 restricted by claim 3, restricted by claim 7 and further restricted by claim 8. If, however, the Examiner persists with a rejection of claim 8 based on Smythe in view of Wrist Coach, Applicant respectfully requests the Examiner's assistance in making claim 8 allowable.

Applicant has canceled claim 9 in this application without prejudice to file continuing applications on the matter contained therein thus removing the basis for the rejection of claim 9 under 35 U.S.C.103(a). Applicant respectfully requests reconsideration and allowance of the claims remaining in this application.

The Examiner does not present a specific rejection to independent claim 10 and thus Applicant views this claim as allowable. Applicant is greatly appreciative of the Examiner's apparent allowance of claim 10 and respectfully requests reconsideration and allowance of all the claims remaining in this application. However, if the Examiner applies Smythe in view of Wrist Coach to claim 10, the traverse presented above with regard to claims 1 - 8 is applicable to claim 10.

Applicant has canceled claims 11 - 13 in this application without prejudice to file continuing applications on the matter contained therein thus removing the basis for the rejection of claims 11 - 13 under 35 U.S.C. 103(a). Applicant respectfully requests reconsideration and allowance of the claims remaining in this application.

Finally, with regard to claim 14 - 20, if the method claims are inherent in the corresponding apparatus claims, Applicant believes that these method claims stand together with the apparatus claims and are fully patentable over Smythe in view of Wrist Coach. Thus, Applicant respectfully requests reconsideration and allowance of claims 14 - 20. If the Examiner persists with the rejection of claims 14 - 20 based upon Smythe in view of Wrist Coach, Applicant respectfully requests the Examiner's assistance in making the language of these claims allowable.

The Official Action rejects claims 4 and 6 under 35 U.S.C. 103(a) as being unpatentable Smythe, U. S. Patent 1,539,781 and W.C. as applied to the claims above and further in view of Jacks, U. S. Patent 5,341,972. Claim 4 restricts claim 2 and claim 1 in this chain to recite that the timepiece is **removably affixed** to the exterior surface of the wrist band, a feature not taught by any of the above references. In fact, Jacks teaches a time piece but as is clearly evident from that disclosure, Jacks teaches that it is **permanently attached**. The Examiner's attention is drawn to Jacks in column 5 at lines 50 where it is specifically stated that the "...timepiece 60 is attached ..." in line 52 - 53 where the recitation "...may be attached by other means such as suitable adhesives..." is found, in 56 where Jacks says that "By attaching the timepiece 60 ..." further in line 63 where "...the timepiece 60 is securely attached ..." and in column 6 at line 6 - 8 where "... the two U-shaped attachment clips 65 are slanted outward in opposite directions to **prevent** undesirable movement..." Jacks, therefore teaches away from removing the timepiece and the timepiece is therefore, not removable as asserted by the Examiner. It cannot be obvious to have Smythe's time piece removably affixed as taught by Jacks as Jacks clearly teaches away from removing the time piece. With regard to claim 6, Smythe teaches in the claim a "... wrist-encircling means to secure the combination article in operative position upon the wrist ..." while Jacks teaches in independent claims 1 and 9 "... wrist watch wallet ... timepiece attached ..." and Cho merely teaches "... wrist watch including a time means for measuring and displaying time, and a memo case, ..." Jacks, teaches using hook and loop fasteners to close the hidden internal pockets however, Jacks does not teach hook and loop fasteners to retain the timepiece as alleged by the Examiner but rather teaches permanently attaching the timepiece with "... U-shaped attachment clips 65 that extend through two

pairs of holes 63 manufactured in the main band 21 . . ." as recited in column 5 at lines 67 through column 6 at the beginning of line 1. Accordingly, none of the references teach affixing the time piece with hook and loop fasteners and in fact, none of the references cited in the instant office action teach a removable time piece. Applicant believes that claims 4 and 6 properly restrict the claims in the chain residing thereabove and that claims 4 and 6 are in condition for allowance. Applicant respectfully requests reconsideration and allowance of claims 4 and 6.

Applicant has amended the specification to remove an informalities contained therein where noted, canceled claims 9, 11 - 13 without prejudice and provided traverse of the rejections of certain of the claims to overcome the Examiner's rejection of claims 1, 3, 5, 7 - 20 based on 35 U.S.C. 103(a) and the rejection of claims 4 & 6 based on 35 U.S.C. 103(a) thereby placing this application in condition for allowance. Thus, claims 1 - 8, 10 and 14 - 20 remain in this application and Applicant respectfully requests allowance thereof.

In view of the above, an Action on the merits of this application, as amended, and an allowance thereof is respectfully requested.

Respectfully submitted,

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